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and Sierra Club*

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ASSOCIATION OF AMERICAN
RAILROADS and AMERICAN SHORT
LINE AND REGIONAL RAILROAD
ASSOCIATION,

Plaintiffs,

v.

LIANE M. RANDOLPH, in her official
capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in
his official capacity as Executive Officer of
the California Air Resources Board; and
ROB BONTA, in his official capacity as
Attorney General of the State of California,

Defendants,

and

EAST YARD COMMUNITIES FOR
ENVIRONMENTAL JUSTICE, PEOPLE'S
COLLECTIVE FOR ENVIRONMENTAL
JUSTICE, and SIERRA CLUB,

Defendant-Intervenors.

Civ. No. 2:23-cv-01154-DJC-JDP

**DECLARATION OF DARBY OSNAYA IN
SUPPORT OF DEFENDANT-
INTERVENORS' OPPOSITION TO
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT**

Date: April 25, 2024
Time: 1:30 PM
Courtroom: 10
Judge: Hon. Daniel J. Calabretta

DECLARATION OF DARBY OSNAYA

I, Darby Osnaya, hereby declare and state as follows:

1. This declaration is based on my personal knowledge. If called to testify as a witness, I could and would testify competently to the contents hereof.

2. I am over the age of eighteen (18) and suffer no legal incapacity.

3. I am 34 years old.

4. I am a member and Promotore for People's Collective for Environmental Justice ("PCEJ"), an incorporated association based in Grand Terrace, California. I have worked in this position since January 2023. I have been volunteering and collaborating with PCEJ since 2021.

5. PCEJ aims to fight against pollution and environmental racism through community power. PCEJ works to build political influence for the health, wellbeing, and self-reliance of the Inland Empire.

6. PCEJ has engaged over 1,000 community members in San Bernardino, Bloomington, Jurupa Valley, Colton, and other areas of the Inland Empire that are impacted by air pollution caused by the freight and logistics industry.

7. Since its inception, PCEJ has worked on air quality and air pollution issues locally, regionally, statewide, and nationally. Specifically, PCEJ engages in rulemaking and legislative processes that affect our members as residents of the Inland Empire and California who are impacted by air pollution.

8. PCEJ works to educate members on policy issues that impact their daily lives. PCEJ also works alongside its members to devise community-centered solutions that will better their communities.

9. PCEJ engages with local, state, and national governmental agencies and elected officials to advocate for these solutions. PCEJ and its members participate in this effort to influence decision makers by canvassing and phone banking in the community.

10. I have worked on environmental justice issues for the past 16 years, including issues of air quality, transportation, and locomotive emissions. As a Promotore

1 at PCEJ, I advocate on behalf of community members in the Inland Empire to ensure
2 that large industrial projects do not have negative health impacts on our community.

3 11. In my role as Promotore, I distributed local petitions in support of
4 strengthening and adopting the California Air Resources Board's ("CARB") In-Use
5 Locomotive Regulation. I also canvassed the community to educate residents about the
6 expected air quality, public health, and quality of life impacts of freight expansion in my
7 community, including a freight airport expansion and continued warehouse growth.

8 12. I frequently discuss with PCEJ members the short- and long-term health
9 impacts they experience from air pollution.

10 13. I live in South Colton in the Inland Empire in Southern California.

11 14. I have lived in California my whole life and have lived in the Inland Empire
12 for the past 30 years.

13 15. Three active rail lines are located less than 50 feet from my backyard.
14 Every day, over 100 freight and passenger trains run on the rail lines behind my home.

15 16. Interstates 10 and 215 are the major freight corridors that run through my
16 city. Interstate 10 runs 0.5 miles north of my home. Interstate 215 runs 1 mile to the east
17 of my home.

18 17. My home is boxed in by two Class I railyards in the area. The Union Pacific
19 ("UP") Colton railyard is located about 2 miles west from my home. The Burlington
20 Northern Santa Fe ("BNSF") San Bernardino railyard is also located about 2 miles north
21 of my home.

22 18. The Cal Portland Cement plant is located less than 0.5 mile from my home
23 to the west.

24 19. San Bernardino International Airport, which is a major freight hub, is
25 located about 5.5 miles northeast of my home. The airport is a major source of truck
26 traffic through my community.

1 20. Air quality in the Inland Empire consistently reaches unsafe levels
2 according to the federal air quality standards. For example, the South Coast Air Basin
3 experienced more than 100 bad air days in each of the last several years.

4 21. PCEJ members experience higher rates of asthma, occupational allergies,
5 nosebleeds, headaches, and polycystic ovary syndrome, which doctors have linked to
6 the poor air quality.

7 22. It is common for children under the age of one to develop allergies
8 because of the air pollution levels around their homes. PCEJ members have also had
9 family members die prematurely because of the environment they live in and the
10 cumulative impacts of poor air quality.

11 23. Pollution from locomotives also negatively impacts the mental health of
12 PCEJ members. PCEJ members are frontline to railyard and other freight pollution and
13 bear the emotional toll of knowing that their homes – where they wish to retire or raise
14 children – are in an industrial zone rife with health risks.

15 24. The concentration of locomotives and railyards in my community also
16 results in constant noise and vibration that prevents the peaceful use and enjoyment of
17 outdoor spaces. PCEJ members who are closer to rail lines or railyards are unable to
18 rest peacefully due to the inescapable noise, vibration, fumes, and soot.

19 25. Diesel exhaust from these locomotives also causes a film of soot to coat
20 the windows of cars, homes, and plants.

21 26. Every day, I walk my dog outside two to three times. However, like many
22 PCEJ members, I frequently find it difficult to be outdoors for prolonged periods of time
23 because of the poor air quality. I decide when to walk my dog based on the air quality.
24 This means I tend to limit my walks to the morning and night, but on many occasions the
25 air quality is still poor at these times.

26 27. My family almost always keeps our home's windows and doors closed
27 because of the constant air pollution. Even so, dust and soot are major issues in my
28 home because of the pollution.

1 28. Unfortunately, I do not feel much safer breathing the air inside my home,
2 even though we regularly use the air conditioning, because my home is so close to the
3 train tracks.

4 29. I consider myself extremely lucky that I do not suffer from any major
5 respiratory issues. I am the rare person among my peers who does not experience
6 asthma, lung disease, nosebleeds, or other respiratory issues.

7 30. Most of my friends, neighbors, and extended family members suffer from
8 respiratory issues. I see many young children develop acute respiratory issues from a
9 very young age. This makes me believe that their respiratory ailments are due to the
10 pollution in our community.

11 31. I have very bad allergies that restrict my breathing. My symptoms include a
12 runny nose, watery and itchy eyes, itchy skin, congestion, and head pain. My allergies
13 often lead to sinus infections and other sinus problems. Symptoms for my sinus
14 infections include postnasal headaches, coughing, fever, headaches, and brain fog.

15 32. I notice that my allergies and sinus problems are worsened by poor air
16 quality and the trains passing by my backyard.

17 33. These health problems have negatively impacted my daily life. I missed a
18 lot of school growing up, and this hinders me as an adult. When my health issues act up,
19 I push through the discomfort so that this does not interfere with my professional and
20 familial responsibilities. This means that I sometimes must show up to work struggling
21 with a sinus infection, headaches, and brain fog.

22 34. Members of my family and community are negatively impacted by poor air
23 quality, which causes me significant mental distress.

24 35. My family members experience bad allergies and associated sinus
25 infections just like me.

26 36. My nieces and nephews live in San Bernardino and they developed
27 asthma at a young age.

28 37. Most of my close friends have asthma.

1 38. I worry about the poor air pollution every single day. Locomotive emissions
2 are a constant in my life because I live so close to the rail tracks. I used to think it was
3 normal to always think about the poor air quality, but now I know that most people do not
4 think about air pollution every day.

5 39. I feel powerless when seeing family and community members suffer from
6 air pollution. This causes me to worry all the time, whether smog is visible or not.

7 40. CARB's In-Use Locomotive regulation will provide a benefit to me and my
8 community by providing cleaner air, healthier communities, and less soot.

9 41. Without this regulation, PCEJ members and I would continue to be
10 disproportionately affected by chronic illness and shortened lifespans that accompany air
11 pollution.

12 42. The Inland Empire continues to be a logistics hub and the air quality will
13 continue to worsen as more trains come to the area that are not zero-emissions.

14 43. I will be personally impacted by having to spend more time avoiding air
15 pollution, spending money to take care of myself and sick family members, and dealing
16 with the added stress of a decreasing quality of life.

17 44. California's authority to adopt in-use locomotive regulations provides an
18 important avenue for advocacy by PCEJ, empowering me and my community to fight for
19 better air quality in the Inland Empire.

20
21 I declare under penalty of perjury that the foregoing is true and correct.
22 Executed this 13th day of October, 2023.

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24 

25 Darby Osnaya
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